REMARKS

1. Claim Rejections – 35 U.S.C. 102(e)

Claims 1 – 34 were rejected under U.S.C. 35 102(e) as being anticipated by Kato.

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Response

Claim 1

Claim 1 has been amended to state that the predetermined content with which the second program code is compared to is predetermined content of the first program code.

10   In Col. 4, lines 53 – 57, Kato discloses that a determination is made as to whether or not the printer and mailbox can be **used in combination** at the present time based on the **identification code of the printer** and the **identification code of the mailbox**. If the identification codes of the printer and the mailbox indicate that the printer and the mailbox are **not** compatible with each other, a firmware update process is applied to at

15   least one of the printer and the mailbox to render the printer and the mailbox compatible [Col. 5, lines 1 – 16]. Similar teachings can be found in Col. 6, lines 53 – 57 of Kato's disclosure. In other words, the determination process taught by Kato is to check the compatibility between different devices (e.g. the printer and the mailbox), rather than the compatibility between the updated firmware and original firmware to be replaced by the

20   updated firmware.

In short, Kato discloses a method of downloading firmware to at least one of the host (e.g. the printer) and the peripheral device (e.g. the mailbox) when incompatibility between the host and the peripheral device exists. Therefore, "whether or not there is

25   compatibility" does not refer to compatibility between content of original firmware and updated firmware to be downloaded, but refers to compatibility between the peripheral device and the host. In accordance with Kato's teachings, this compatibility is determined by comparing **identification codes of firmware currently running on different devices**.

Kato is silent on checking the compatibility between the updated firmware and original firmware to be replaced by the updated firmware. Claim 1 of applicant's disclosure, however, defines that the second program code is checked before replacing the first program code. As Kato does not disclose a step of **checking** whether partial content of the

5   **second program code** conforms to a predetermined content of the **first program code**, the applicant asserts that Claim 1 should be found allowable over the prior art.

Claims 2 – 3

    Claims 2 – 3 are dependent on Claim 1 and should be found allowable if Claim 1 is

10   found allowable.

Claims 4 – 5

    Claims 4 – 5 have been amended to comply with currently amended Claim 1. Kato discloses confirming compatibility between the host device (e.g. the printer) and the

15   peripheral device (e.g. the mailbox) utilizing look-up tables. Kato does not disclose accessing content of both the first program code and the second program code and directly comparing said content to determine compatibility between the two program codes. For these reasons, claims 4 –5 should also be found allowable. Furthermore, claims 4 – 5 are dependent on Claim 1 and should be found allowable if Claim 1 is found

20   allowable.

Claims 6 – 8

    Claims 6 – 8 are dependent on Claim 1 and should be found allowable if Claim 1 is found allowable.

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Claim 9

    Claim 9 has been amended to state that the predetermined content with which the second program code is compared to is predetermined content of the first program code.

As detailed above in the response to Claim 1, Kato only discloses confirming
compatibility between different devices, rather than compatibility firmware to be
downloaded and the original firmware to be updated by the downloaded firmware. Kato
does not disclose comparing content of the first program code (original firmware) and the
5   second program code (firmware to be downloaded) in order to determine suitability of the
second program code. Therefore, the applicant asserts that Claim 9 should be found
allowable over the prior art.

Claims 10 – 11

10   Claims 10 – 11 are dependent on Claim 9 and should be found allowable if Claim 9
is found allowable

Claims 12 – 13

          Claims 12 – 13 have been amended to comply with currently amended Claim 9. As
15   Kato does not disclose accessing content of both the first program code and the second
program code and directly comparing said content to determine compatibility between the
two program codes, and as claims 12 – 13 are dependent on Claim 9, the applicant
believes claims 12 – 13 should be found allowable.

20   Claims 14 – 19

          Claims 14 – 19 are dependent on Claim 9 and should be found allowable if Claim 9
is found allowable

Claim 20

25   Claim 20 is a device claim comprising the same limitations as that of method claim 9.
Claim 20 has also been similarly amended, to state that the predetermined content with
which the second program code is compared to is predetermined content of the first
program code. As the applicant believes Claim 9 has been placed in a position for

allowance for the reasons fully detailed in the response to Claim 9, Claim 20 should also be found allowable.

Claims 21 – 22

5   Claims 21 – 22 are dependent on Claim 20 and should be found allowable if Claim 20 is found allowable

Claims 23 – 24

        Claims 23 – 24 have been amended to comply with currently amended Claim 20. As

10   Kato does not disclose accessing content of both the first program code and the second program code and directly comparing said content to determine compatibility between the two program codes, and as claims 23 – 24 are dependent on Claim 20, the applicant believes claims 23 – 24 should be found allowable.

15   Claims 25 – 30

        Claims 25 – 30 are dependent on Claim 20 and should be found allowable if Claim 20 is found allowable

Claim 31

20   Claim 31 has been amended to state that the inspection step checks whether the corresponding content characteristic conforms to a predetermined characteristic of the first program code. As Kato does not teach utilizing content of the first program code as a means to determine compatibility with firmware to be downloaded, the applicant asserts that Claim 31 should be found allowable over the prior art.

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Claims 32 – 33

        Claims 32 – 33 are dependent on Claim 31 and should be found allowable if Claim 31 is found allowable
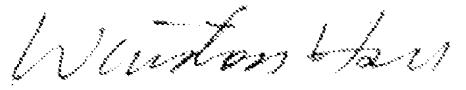
Claim 34

Claim 34 has been amended to comply with currently amended Claim 31. As the applicant believes Claim 31 to have been placed in a position for allowance, Claim 34

5   should also be found allowable.

Conclusion

Accordingly, it is submitted that all of the pending claims are allowable over the cited references, and that this application is in condition for allowance. Such action and the

10   passing of this case to issue are therefore respectfully requested.

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, the Examiner is hereby invited to telephone the undersigned counsel to arrange for such a conference.

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Sincerely yours,

Date: _____09.05.2007_____

Winston Hsu, Patent Agent No. 41,526

20   P.O. BOX 506, Merrifield, VA 22116, U.S.A.

Voice Mail: 302-729-1562

Facsimile: 806-498-6673

e-mail : winstonhsu@naipo.com

25   Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 12 hours behind the Taiwan time, i.e. 9 AM in D.C. = 9 PM in Taiwan.)